

**BEFORE THE ARIZONA STATE VETERINARY MEDICAL  
EXAMINING BOARD**

IN THE MATTER OF:	)	<b>CASE No.: 21-158</b>
	)	
<b>CATHERINE BYRNES, DVM</b>	)	<b>FINDINGS OF FACT,</b>
HOLDER OF LICENSE No. 6340	)	<b>CONCLUSIONS OF LAW</b>
	)	<b>AND ORDER</b>
FOR THE PRACTICE OF VETERINARY	)	
MEDICINE IN THE STATE OF ARIZONA,	)	
	)	
<b>RESPONDENT.</b>	)	
	)	

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On February 16, 2022, the Arizona State Veterinary Medical Examining Board conducted an Informal Interview regarding Catherine Byrnes, DVM ("Respondent"). The proceedings in this matter are governed by A.R.S. § 32-2234 (A). The proceedings in this matter are governed by A.R.S. § 32-2234 (A). Respondent was advised of her right to legal counsel by letter, appeared telephonically and participated in the Informal Interview with counsel, David Stoll. The Board reviewed all documents submitted regarding this matter, took testimony from Respondent and Ms. Karen Momany and proceeded as is permitted by A.R.S. § 32-2234 (A).

Following the Informal Interview and the Board's discussion of the information and documents submitted, the Board determined that Respondent's conduct constituted unprofessional conduct pursuant ARS § 32-2232 (12) as it relates to AAC R3-11-501 (1) failure to provide professionally acceptable procedures. After considering all of the information and testimony, the Board issues the following Findings of Fact, Conclusions of Law and Order, ("Order").

## **FINDINGS OF FACT**

1. Respondent is the holder of License No. 6340 issued on October 16, 2013, and is therefore authorized to practice the profession of veterinary medicine in the State of Arizona.

2. On June 4, 2021, "Olive," a 6-year-old female Miniature Dachshund was presented to Respondent after being bitten by a rattlesnake. Complainant witnessed the dog get bit. Upon exam, Respondent recorded the dog had a weight = 15 pounds, a temperature = 102.2 degrees, a heart rate = 120bpm, and a respiration rate = 20rpm. She noted two wounds over the occipital portion of the skull with mild swelling to the masseter muscles, consistent with a snake bite. The dog was depressed and painful, but responsive. There was profound halitosis; the dog was drooling and holding her mouth partially open but could swallow and move her jaw. Respondent believed this was secondary to pain and swelling of the masseter muscles. She suspected that the amount of venom that the dog received may have been fairly minimal if she had been running away from the snake when it struck, thus receiving her injuries to the back of the head. The dog appeared stable at that time.

3. Respondent discussed her findings with Complainant. She explained that the dog's response to treatment depended on several factors, including amount of venom received, location of the bite, and individual variation in response to venom and therapy. Complainant approved the treatment plan for supportive care, diagnostics, monitoring, and possible anti-venom treatment.

1 4. The dog was hospitalized; blood was collected for testing; an IV catheter  
2 was placed and IV fluids (Plasma-lyte) was started at 70mL/hr. The dog was  
3 administered the following:

- 4 a. Diphenhydramine 0.3mL SQ;
- 5 b. Dexamethasone Sodium Phosphate 0.35mL SQ; and
- 6 c. Buprinex DS (double strength) 0.25mL SQ.

7 5. Blood work had some mild changes but nothing significant noted. PT –  
8 22.7; aPTT – 78. Due to the dog being stable and Respondent not believing the  
9 snake bite was severe, she chose not to administer the dog anti-venom  
10 treatment.

11 6. The dog was monitored throughout the day.

12 7. At 2:00pm (states 3:00pm on blood work), recheck blood work was  
13 performed. Again, there were mild changes but nothing concerning. However,  
14 the platelets decreased from 265 to 170. Respondent felt that was to be  
15 expected. The dog's vitals were T = 99.1 degrees, P = 120bpm, R = 20rpm.

16 8. Respondent stated in her narrative that the dog was still lethargic but she  
17 attributed that to the pain of her injuries. The vitals continued to be stable; after  
18 consulting with her associate, Dr. Flannery, it was decided to not administer the  
19 dog anti-venom at that time.

20 9. The dog continued to be monitored until discharge at 5:00pm. Since the  
21 premises does not provide 24-hour care, Respondent instructed Complainant to  
22 take the dog to an emergency facility if she felt the dog was deteriorating. The  
23 IV catheter was left in place if additional care was needed that evening. If the  
24 dog did well throughout the night, Complainant was to bring the dog back in  
25 the morning for evaluation and IV catheter removal. Complainant was

1 provided a copy of the dog's medical records, blood work, and contact  
2 information for the emergency facility in Prescott. The dog was discharged with  
3 gabapentin 100mg, 21 capsules; give one capsule two – three times a day as  
4 needed.

5 10. Complainant stated that when the dog was brought out to her, she was  
6 swollen. She was given signs to look for to help determine the dog was not  
7 doing well and needed to be taken to the emergency facility – vomiting,  
8 diarrhea, or labored breathing.

9 11. In the early morning hours, the dog passed away. Complainant stated  
10 that the dog never exhibited any of the signs she was warned about. However,  
11 the dog was twice her size and weight due to swelling.

12 12. The next morning, Complainant brought the dog's remains to the  
13 premises for a private cremation. She spoke to Dr. Flannery about her concerns  
14 that the dog was not administered anti-venom, which she pre-approved, and  
15 that they could not keep the dog overnight for monitoring. Respondent was not  
16 in the office this day.

17 13. Dr. Flannery offered her condolences on the death of the dog and tried  
18 to answer Complainants questions. Complainant reported that the dog  
19 seemed to be doing well after they arrived home. However, she wanted to  
20 know why they did not keep the dog overnight for monitoring and why the anti-  
21 venom was not administered. Dr. Flannery stated that they do not keep pets  
22 overnight unless they are boarding and stable. She further advised that the dog  
23 seemed hematologically stable at discharge. Dr. Flannery could not say  
24 whether or not would still be alive if the anti-venom had been administered.

1 She explained that even when administered anti-venom, some pets still die due  
2 to the neurotoxin.

### 3 CONCLUSIONS OF LAW

4 14. The Findings of Fact constitutes a violation of **A.R.S. §32-2232 (12)** as it  
5 relates to **A.A.C. R3-11-501 (1)** for failure to provide professionally acceptable  
6 procedures by not communicating the pros and cons of administering the anti-  
7 venom and not referring the dog directly to an emergency facility for  
8 continued monitoring.

### 10 ORDER

11 Based upon the foregoing Findings of Fact and Conclusions of Law it is  
12 **ORDERED** that Respondent's License, No. 6340 be placed on **PROBATION** for a  
13 period of one (1) year, subject to the following terms and conditions that shall  
14 be completed within the Probationary period. These requirements include four  
15 (4) total hours of continuing education (CE) and reimbursement to the  
16 complainant as detailed below:

17 1. **IT IS ORDERED THAT** Respondent shall provide written proof satisfactory to  
18 the Board that she has completed four (4) hours of continuing education (CE);  
19 hours earned in compliance with this order shall not be used for licensure  
20 renewal. Respondent shall satisfy these four (4) hours by attending CE in the  
21 area of emergency medicine in relation to snakebite envenomation.  
22 Respondent shall submit written verification of attendance to the Board for  
23 approval.

1       **2. IT IS ORDERED THAT** Respondent shall reimburse fees paid by Ms. Momany,  
2 collected by Respondent, with respect to the treatment of the dog on June 4,  
3 2021 in the amount of \$547.21 on or before the end of the Probationary period  
4 in the form of a cashier's check, certified check, or money order. Payment shall  
5 be made directly to Ms. Momany via certified U.S. mail or a delivery service with  
6 tracking capabilities. Respondent shall submit proof of payment to the Board,  
7 including a copy of the check/money order and mail/delivery service  
8 confirmation of delivery. Respondent shall verify Ms. Momany's last known  
9 address with Board staff prior to sending payment.

10       **3. All continuing education to be completed for this Order shall be pre-**  
11 **approved by the Board.** Respondent shall submit to the Board a written outline  
12 regarding how she plans to satisfy the requirements in paragraph 1 for its  
13 approval within sixty (60) days of the effective date of this Order. The outline  
14 shall include **CE course details** including, **name, provider, date(s), hours of CE** to  
15 be earned, and a **brief course summary**.

16       4. Respondent shall obey all federal, state and local laws/rules governing  
17 the practice of veterinary medicine in this state.

18       5. Respondent shall bear all costs of complying with this Order.


19       6. This Order is conclusive evidence of the matters described and may be  
20 considered by the Board in determining an appropriate sanction in the event a  
21 subsequent violation occurs. In the event Respondent violates any term of this  
22 Order, the Board may, after opportunity for Informal Interview or Formal  
23 Hearing, take any other appropriate disciplinary action authorized by law,  
24 including suspension or revocation of Respondent's license.

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This Order shall be effective and in force upon the expiration of the above time period for filing a motion for rehearing or review with the Board. However, the timely filing of a motion for rehearing or review shall stay the enforcement of the Board's Order, unless, pursuant to A.A.C. R3-11-904 (F), the Board has expressly found good cause to believe that this Order shall be effectively immediately upon the issuance and has so stated in this Order.

Arizona State Veterinary Medical Examining Board  
Jim Loughhead  
Chairman

Chairman

By:   
Victoria Whitmore, Executive Director

Arizona State Veterinary  
Medical Examining Board  
1740 W. Adams St., Ste. 4600

1 Phoenix, Arizona 85007

2  
3 Copy of the foregoing sent by certified, return receipt mail  
this 30<sup>th</sup> day of March, 2022 to:

4 Catherine Byrnes, DVM  
5 Address on file  
6 Respondent

7  
8 Copy of the foregoing sent by regular mail  
this 30<sup>th</sup> day of March, 2022 to:

9 David Stoll, Esq.  
10 Beaugureau, Hancock, Stoll and Schwartz, PC  
11 302 E. Coronado Rd  
Phoenix, Arizona 85004

12  
13 By:   
14 Board Staff